

**SUPREME COURT OF CALIFORNIA  
ORAL ARGUMENT CALENDAR  
LOS ANGELES SESSION  
APRIL 1 and 2, 2008**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Ronald Reagan State Office Building, 300 South Spring Street, Third Floor, North Tower, Los Angeles, California on April 1 and 2, 2008.

**TUESDAY, APRIL 1, 2008—1:30 P.M.**

- (1) S148207 Haraguchi (Massey) v. Superior Court of Santa Barbara County (The People, Real Party in Interest)
- (2) S147954 Hollywood (Jesse) v. Superior Court of Santa Barbara County (The People, Real Party in Interest)
- (3) S149123 People v. Superior Court of Los Angeles County (Humberto S., Real Party in Interest)

**WEDNESDAY, APRIL 2, 2008—9:00 A.M.**

- (4) S138974 In re Bay Delta Programmatic Environmental Impact Report Coordinated Proceedings
- (5) S125677 People v. Towne (Shawn)
- (6) S148568 Gueyffier v. Ann Summers, LTD

**1:30 P.M.**

- (7) S150806 Alcala (Rodney) v. Orange County Superior Court (The People, Real Party in Interest)
- (8) S065707 People v. Page (Terrance) [Automatic Appeal]
- (9) S018814 People v. Salcido (Ramon) [Automatic Appeal]

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GEORGE  
*Chief Justice*

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c) (formerly rule 18(c)).)

**SUPREME COURT OF CALIFORNIA  
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The following case summaries are issued to inform the public and the press of cases that the Supreme Court has scheduled for oral argument and of their general subject matter. Generally, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public and the press. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

**TUESDAY, APRIL 1, 2008—1:30 P.M.**

***(1) Haraguchi (Massey) v. Superior Court of Santa Barbara County (The People, Real Party in Interest), S148207***

#06-136 Haraguchi (Massey) v. Superior Court of Santa Barbara County (The People, Real Party in Interest), S148207. (B191161; 143 Cal.App.4th 846; Superior Court of Santa Barbara County; 1203536.) Review on the court's own motion after the Court of Appeal granted in part and denied in part a petition for peremptory writ of mandate. This case presents the following issues: (1) Was the trial court's ruling on a motion for recusal alleging conflict of interest, because the prosecutor had written a novel allegedly based in part on the facts of this case, subject to independent review or reviewable only for an abuse of discretion? (2) Was recusal appropriate under either standard?

***(2) Hollywood (Jesse) v. Superior Court Santa Barbara County (The People, Real Party in Interest), S147954***

#06-137 Hollywood (Jesse) v. Superior Court Santa Barbara County (The People, Real Party in Interest), S147954. (B188550; 143 Cal.App.4th 858; Superior Court of Santa Barbara County; 1014465.) Petition for review after the Court of Appeal granted in part and denied in part a petition for peremptory writ of mandate. This case presents the following issues: (1) Was the trial court's ruling on a motion for recusal alleging conflict

of interest, because the prosecutor had cooperated with filmmakers planning a motion picture based on this case, subject to independent review or reviewable only for an abuse of discretion? (2) Was recusal appropriate under either standard? (3) If recusal was required, was it error not to recuse the entire district attorney's office?

***(3) People v. Superior Court of Los Angeles County (Humberto S., Real Party in Interest), S149123***

#07-110 People v. Superior Court of Los Angeles County (Humberto S., Real Party in Interest), S149123. (B193386; 145 Cal.App.4th 32; Superior Court of Los Angeles County; TJ15419.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case presents the following issue: Did the trial court err in recusing trial prosecutors and supervising attorneys after the father of a sexual abuse victim consented to disclosure of her medical and psychiatric records to the defense, but the prosecutors continued to block access to the records?

**WEDNESDAY, APRIL 2, 2008—9:00 A.M.**

***(4) In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings, S138974***

#06-08 In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings, S138974 (Laub v. Schwarzenegger ), S138975 (Regional Council of Rural Counties v. State of California). (C044267, C044577; 133 Cal.App.4th 154; Superior Court of Sacramento County; JCCP No. 4152.) Petition for review after the Court of Appeal reversed and affirmed judgments in actions for writ of administrative mandate. This case includes the following issue: Did the final programmatic environmental impact report for the multiagency, multijurisdictional CALFED Bay-Delta Program adequately address alternatives to diverting Bay-Delta water to Southern California and the potential environmental impacts of diverting water to be purchased from as yet unidentified sources?

***(5) People v. Towne (Shawn), S125677***

#04-75 People v. Towne (Shawn), S125677. (B166312; unpublished opinion; Superior Court of Los Angeles County; PA040926.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. This case presents the following issues: (1) Can a trial court use facts relating to counts on which a defendant was found not guilty as aggravating factors in determining the appropriate sentence? (2) Does *Blakely v. Washington* (2004) 542 U.S. 296 preclude a trial court from making findings on aggravating factors in support of an upper term sentence? (3) If so, what prejudicial error standard applies, and was the error in this case prejudicial?

***(6) Gueyffier v. Ann Summers, LTD., S148568***

#07-05 Gueyffier v. Ann Summers, LTD., S148568. (B186996; 144 Cal.App.4th 166; Superior Court of Los Angeles County; BS095483.) Petition for review after the Court of Appeal reversed a judgment confirming an arbitration award. This case presents the following issue: Was an arbitration provision in a franchise agreement that prohibited the arbitrator from modifying any material terms of the agreement an absolute limitation, or did it permit application of equitable or legal defenses, such as excusing the franchisee's failure to give the franchisor the required notice of a breach of the agreement and an opportunity to cure it, on the ground the breach could not have been cured and giving notice would have been an idle act?

**1:30 P.M.**

***(7) Alcala (Rodney) v. Orange County Superior Court (The People, Real Party in Interest), S150806***

#07-200 Alcala (Rodney) v. Orange County Superior Court (The People, Real Party in Interest), S150806. (G036911; 147 Cal.App.4th 1492; Superior Court of Orange County; C42861.) Petition for review after the Court of Appeal granted in part and denied in part a petition for peremptory writ of mandate. This case presents the following issues:

(1) Was consolidation of four newly alleged homicides in Los Angeles County with the retrial of a homicide in Orange County authorized by Penal Code section 790, subdivision (b)? (2) Did the Court of Appeal err in directing that two of the four Los Angeles County homicide prosecutions be severed?

***(8) People v. Page (Terrance), S065707 [Automatic Appeal]***

This matter is an automatic appeal from a judgment of death.

***(9) People v. Salcido (Ramon), S018814 [Automatic Appeal]***

This matter is an automatic appeal from a judgment of death.